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MEETING MINUTES

DATE: August 21, 2003, 9:00 AM

LOCATION: DEP Bangor, Maine

ATTENDEES: See attached

SUBJECT: 345 kV Line Meeting Minutes

NOTES BY: Gil A. Paquette

First, attendees of the meeting introduced themselves and whom they represent. Stacie then started the meeting by explaining its intent, in the context of a formal Pre-application Meeting for the Bangor Hydro 345 kV Second Tie to New Brunswick Project. Stacie briefly explained the general purpose of a pre-application meeting and how it is aimed towards providing to the applicant information and instruction on preparing a complete DEP application. The pre-application also allows the opportunity for agencies to comment on the project before an application is prepared and submitted. Stacie then asked Doug Morrell to provide an introduction and history of the project.

Doug provided a brief history of the project and explained that Bangor Hydro-Electric (BHE) (and not New Brunswick Power [NBP]) would be the applicant. Doug explained that in 2001 BHE withdrew its application to the DEP and as a result, this new effort to permit the project would be a fresh start. Doug explained that the intent is to proceed with input from the attendees of this meeting and to take the previous experience with the Board of Environmental Protection (the Board) into consideration in developing the route and application. Doug then introduced Robin McAdam and Rob Bennett of Emera and BHE, respectively.

Rob Bennett explained the energy climate and the basic need of the project. Rob stated that this

type of development is the logical next step that needs to take place for the energy needs of the Northeast and Canada. Furthermore, Rob stated that BHE's intent was to listen to the agencies, other stakeholders, and to look at all the options in developing this project. Rob then touched upon the recent blackout events and explained that there it was a misconception that it did not affect Maine. He said that many industrial customers in Maine were impacted by the blackout. Besides other benefits, he stated that his type of project would help increase the reliability of the system.

Brian Scott of New Brunswick Power added that NBP has moved forward with the project on the Canadian side and had secured permits to construct a line from Point LePreau to near St. Stephen, NB. Brian stated that 3 factors have been driving this project with NBP: 1) reliability, 2) supply, and 3) market access, i.e. bi-directional economic opportunities on both sides.

Stacie Beyer then moved to item 2 on the agenda. Stacie explained that two permits would be required from the DEP: a Natural Resource Protection Act (NRPA) permit and a Site Location of Development permit (SLOD); and that new applications would need to be submitted. Although some material from the old submittals may be applicable, she stated she did not want the old material to be referenced, but if referenced should be copied and included as part of the new application. However, she also stated that the information and data needed to be current.

Stacie then went on to say that all rules of the NRPA and SLOD apply and that there have been two recent changes in the statutes worth noting. First, that Outstanding River Segments in LURC territory will, from a regulatory perspective, be treated as outstanding river segments under DEP jurisdiction, and second that that new scenic rules have been incorporated into the NRPA. Stacie also stated that 'scenic' is already a standard of the SLOD rules.

Stacie continued to agenda item 3 by stating that there will still be a focus on alternatives and that the MEPCO line will need to be reexamined and the applicant must show that other alternatives are not practicable and/or do not minimize impacts. In regards to alternatives or other aspects of permitting, Stacie suggested that agency consultation and information requests should be made as soon as possible. She would like to see the alternatives analysis afresh, not just a resurrection of the old alternative analysis presented during the last permitting effort. Stacie continued by saying that she has reviewed the New Brunswick decision to permit a line to

near St. Stephen and that BHE could include information about the Canadian decision in regards to logistics, costs and environmental implications of other alternatives. Also, when preparing a comparison of alternatives, Stacie requested that BHE focus on the costs to construct and not on other "soft" or "sunk" costs.

Steve Timpano then spoke and said he would like to see stream classification and fisheries type taken into consideration, as well as wetlands and significant habitats. Steve said we could coordinate with him for input from area biologists. IF&W recommended gathering data on stream flow, width, riparian vegetation and temperature.

Fred Leigh asked Stacie to confirm that the three major issues that need to be addressed in the application in regards to alternatives are natural resource impacts, cost, and ROW availability. Stacie agreed that these were the major issues. She said that BHE must show that the preferred alternative is the least environmentally damaging practicable alternative. Practicable is defined as available and feasible. For example, the MEPCO line may require acquisition through eminent domain and the Public Utilities Commission (PUC) states that a residential dwelling cannot be within 300 feet of land acquired through eminent domain. This type of information should be provided in the application. Another example is showing why BHE feels it would be impossible to construct within the existing MEPCO ROW. Also, new technology to limit ROW width, road impacts, etc. should be discussed. For all issues, the applicant should look at the macro-alternatives, then micro-alternatives.

Tom Schaeffer stated that long-term maintenance is an issue for IFW, with the width of the ROW being a major factor. The concern is with more open space, with an added concern for critical habitats. Steve further commented that any stream crossing of the route should cross immediately adjacent to Stud Mill Road. Steve then asked about buffers at streams. Fred responded by saying that the ROW will be allowed to revegetate. Steve responded by saying there is still a concern of removing shade trees, and although he hasn't recently read the literature, there are papers on thermal recovery that should be researched. Norm said that even though the line may cross at Stud Mill, there will need to be additional clearing and therefore that is a concern. Doug discussed how placing a structure near a stream crossing could allow for higher vegetation, as the conductor would be further from the ground, and that could be considered during design.

Scott said that there are some significant visual issues in remote areas and the preference would be to put the line near the road. Furthermore, photos should be required for major outstanding river segments showing the location of crossings and vegetation characteristics.

Steve stated that he was concerned about data collection in regards to existing stream temperatures. Doug stated that if the application were submitted during the winter, that supplemental studies would be conducted next year and submitted for review.

Stacie then stated that she would like to see a segment-by-segment examination of the preferred route and its micro alternatives so that others can understand the thought process in choosing the preferred route within the corridor. A segment-by-segment analysis was included in the original application for the 345 kV line. She said that there could be some significant viewshed issues. Pole design may depend on viewer expectations and the need to minimize impacts in critical viewsheds. Tom stated that information on pole design would be helpful and wondered if alternating from wood to steel was possible, if impacts could be avoided by doing so. Doug said that was something that could be considered in the design. Tom stated that if steel structures can be higher than wood in deer wintering areas (DWAs), for example, the vegetation could be higher and steel structures should be used.

Steve asked if there were any design consideration for osprey nests. Fred said that they have tried everything to keep them off, but now they just let them build the nests until they become a line hazard.

Stacie asked about other possible alternatives. Doug said he would like to review the Route 6 and Route 9 alternatives, as well as other alternatives. Fred asked about the status of the east/west highway and Stacie said there was nothing concrete in the works.

Stacie stated she would like macro-analysis type maps as part of the application, to provide environmental support information for the preferred route.

Stacie asked about the status of fieldwork and Doug stated that it was hopeful to have the fieldwork completed this year. Scott asked about a visual simulation presentation in the

application. Doug stated there would be a visual analysis but BHE is still in the process of determining the details of what would be completed. Scott stated that the study should focus on what you see from campsites and rivers when canoeing. Fred said he would like to talk to Steve about the specific streams he is concerned about. Scott said he should talk with Joe Wiley. He also stated there is an easement along the St. Croix and there is a concern of getting into the buffer zone. Stacie stated that the Board would be interested in photosimulations of significant viewsheds.

Stacie said that Jay Clement of the ACOE was invited to the meeting, but wasn't able to attend. The Corps has jurisdiction over wetland impacts. Stacie also stated that she has letters from the SHPO, NAP, and LURC on the proposed project and would pass the letters on to Doug to make copies for NBP and BHE.

John stated that his concerns were related to water well locations, private wells within 100 feet, public wells within 300 feet, water disposal systems and where they are. Also, operational considerations in regards to these concerns with herbicide use, fuel storage, and the refueling of vehicles should be addressed. There should also be a 'drive-by' to locate new wells built from the time the last application was submitted, with the focus being on the preferred route. A Class D soils survey would be appropriate for this type of project. Also, defining the types of contaminant avoidance measures on significant aquifers should be described. The applicant should also ensure that camp water intakes are located.

Stacie then stated that a stand-alone Erosion Control Plan should be prepared as well as a stand-alone SPCC Plan. Fred stated that he assumed that the third party program would be implemented and Stacie agreed.

Tom stated that aerial surveys for new nests would be required when the applicant gets down to the micro level and he would like to recreate surveys that Maritimes did. Gil stated that Maritimes dovetailed the surveys with the annual MDIFW surveys.

Stacie went on to the topic of cutting practices. Stacie stated that the Board had concerns about the cutting and maintenance practices that were proposed in the last application. She stated that the concerns related to the plan being too complicated and would likely be difficult to maintain.

Stacie would like the application to reflect DEP draft clearing/maintenance guidelines.

The next topic of discussion was ATVs. Stacie explained that the Department does have concerns about ATV use – basically that it doesn't work to try and stop ATVs. Scott explained that the DOC has worked with CMP to try to develop trails, bridges, etc. that can be maintained by snowmobile and ATV clubs to direct where travel occurs, rather than fight it. He recently cited an agreement with IP to set up 700 miles of trails between Route 1 and Calais. With the 345 kV project, Scott stated that it would be better to leave the trails and bridges in place. Doug asked if there is a specific area that the DOC is interested in. Scott stated that from Milford/Nicotous eastward there are few trails and there is a real need here.

Stacie commented that regardless of what is done, there is likely to be damage from ATVs, so BHE will have to address this. At a minimum, BHE should look at locations where there is a high potential for ATV traffic. Scott said he could get us a map that may provide access information. Doug thought this would be a good starting point.

Stacie discussed other application exhibits. She said for stormwater, the application could address the ROW with a narrative, but for permanent access roads and staging areas, both quantity and quality should be addressed. Stacie said that full public notice requirements would have to be met and that the DEP will be charging fees by the hour, billed quarterly with a \$70,000 fee cap. Stacie stated that a pre-submittal meeting would be required and that the State agencies would likely need 60 days as opposed to 30 for review. Fred asked about the process of the project going to the Board. Stacie said that if the Department determines the application is of significant public interest, then it will recommend the Board take jurisdiction. If there is conflicting technical information submitted a hearing would be required.

The meeting adjourned at 12:00 PM.

BHE 345 kV PROJECT
PRE-APPLICATION MEETING (August 21, 2003)

ATTENDEES

NAME	AFILIATION	PHONE NUMBER	E-MAIL ADDRESS
Stacie Beyer	DEP	941-4570	Stacie.R.Beyer@maine.gov
Scott Ramsay	Dept. Con. BP&C	287-4956	scott.ramsay@maine.gov
Tom Schaeffer	MDIFW	434-5927	thomas.schaeffer@maine.gov
Norm Dube	MASC	941-4453	norm.dube@maine.gov
Steve Timpano	MDIFW	287-5258	steve.timpano@maine.gov
Gil Paquette	DTA	775-4495	gil.paquette@devinetarbell.com
Ed Spear	Fisheries Consultant	942-1033	erspear@adelphia.net
Alan Spear	SGC Energy	866-6571	moralspear@aol.com
Will Smith	NB Power	(506) 458-3421	wsmith@nbpower.com
Chantel St. Pierre	NB Power	(506) 458-6655	cstpierre@nbpower.com
Ed Pentecost	Argonne Nat'l Lab	(630) 252-8849	epentecost@anl.gov
Fred Leigh	Bangor Hydro	973-2543	fleigh@bhe.com
Bill Vinikour	Argonne Nat'l Lab	(630) 252-5419	vinikour@anl.gov
Art Gilman	W.D. Countryman	(802) 485-8421	wdcenu@together.net
Doug Morrell	SGC Engineering, LLC	866-6571	dsm@sgceng.com
Brian Scott	NB Power	(506) 458-3053	bscott@nbpower.com
Robin McAdam	EMERA	(902) 474-7809	rmcadam@emeraenergy.com
Rob Bennett	Bangor Hydro	973-2841	rbennett@bhe.com
Dave Moyse	Moyse Env. Services	945-6179	moyseenv@midmaine.com
Ken Libbey	MDEP	941-4056	ken.libbey@maine.gov
John Hopeck	MDEP	287-7733	john.t.hopeck@maine.gov

Beyer, Stacie R

From: Spiess, Arthur
Sent: Monday, August 18, 2003 3:44 PM
To: Beyer, Stacie R
Subject: New Brunswick Power project, archaeological survey

Hello Stacie:

Please convey to the New Brunswick Power representatives that the Maine Historic Preservation Commission will be pleased to work with them, comparing proposed rights of way or alternatives with known archaeological and historic site location information, and with potential archaeologically sensitive areas. The easiest way to accomplish an initial assessment of alternatives would be for New Brunswick Power to supply us with maps of the proposed alternatives, either as ArcView (or Arc Info) shape files for GIS use, or on 1:24,000 scale USGS topographic maps (or photocopies). The potential corridor map that you have supplied on reduced orthophoto quads tells me that archaeology and historic resources are not going to be a major issue in this project, but it is not as a sufficient scale for me to say even whether or not known archaeological sites fall within the corridor.

We have archaeological survey results from two previous corridor surveys between Bangor and the New Brunswick border. Archaeological survey for the 1989 Bangor Hydro 345 kv tie line located three Native American (prehistoric) archaeological sites. Survey coverage for this project was barely adequate.

In 1997 Dr. Richard Will (TRC, Ellsworth, Maine) completed archaeological survey for the Phase II Maritimes and Northeast Pipeline project. This survey coverage was more intensive than the 1989 work. Dr. Will located six prehistoric sites and about 12 historic (Euro-American) sites on the pipeline segment between Bangor and the border. Dr. Will's coverage was particularly cost-effective and comprehensive, because he did considerable work with air photos, geological maps, and ground inspection before hand to locate archaeologically sensitive segments of the line. We would advocate a similar approach to this project, again with our oversight and help during the process.

The only other historic resource that would need systematic consideration would be visual impact on historic structures (houses). We usually handle that aspect by asking for photographs of all houses over 50 years of age at will be within eyesight of the proposed power line. Kirk Mohnney or Mike Johnson of this office can answer questions about that aspect.

Regards, Art Spiess

Arthur Spiess, Ph.D., Senior Archaeologist
Maine Historic Preservation Commission (SHPO)
State House Station 65
Augusta, ME 04333
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arthur.spiess@maine.gov

Docherty, Molly

From: Docherty, Molly

Sent: Thursday, August 21, 2003 9:26 AM

To: Beyer, Stacie R

Subject: FW: Proposed 345 kV Transmission Line Tie with New Brunswick

Thoughts/Issues from MNAP

More inventory of botanical features would be encourage. This area of the state has never been systematically inventoried. Currently most documented occurrences of rare, threatened, and endangered plants and rare and exemplary natural communities that come near the corridor occur in Bradley and MD32.

Other thoughts...

Machias River Crossing: This is a tricky crossing because the road is right along the northern edge of the First Machias Lake and an interesting steep-sided kettlehole pond. To the north is a gravel pit to the east adjacent to a small peatland that is probably in the historic floodplain of the Machias. West of the river is a larger and fairly intact peatland on Hadley Brook and a decent complex of floodplain wetlands and peatland to the north of that. This is also an area (bridge) where Brook Floaters (S3/G3) have been documented.

Pocomoonshine Options: Cutting around the south edge of Pocomoonshine would bisect a Tier I matrix block, the Crawford Block (Block #41 first block southeast of the large Machias Lakes poly-block). I think that this made the cut, although Cutler and Spring River are in the same 7 ELU Grouping and 33 ELU Grouping category...but in a different subsection. We would, therefore really prefer that the powerlines follow the northern edge of the lake along the Stud Mill or West Princeton Roads; AVOIDING Sawville Heath altogether...If it is heading that way to the east of Route 1 between Princeton and Baileyville villages.

Other matrix area potential conflicts: the north edge of the Amherst matrix block in T32 MD is the Stud Mill Road. On or near this is an S1 (G5) Cyperus, a portfolio kettlehole bog-pond complex, several other peatlands to the north and south that straddle the Horseback esker, and Sunhaze Stream in a stretch that provides habitat for migratory salmon, shad, eel, herring, and alewife

General: Most concerns with wetlands crossings is not so much from a set of wires over-head, but the impact from construction and maintenance which leads to the edge of the wetlands or streams they cross. They tend to run ATVs down the pipeline for maintenance, and don't diverge around wetlands unless they are really too deep and wet most of the year. There always seems to be some impact right up to that edge. Otherwise following the Stud Mill Road is probably the best way to minimize impacts to the surrounding forests.

Rec'd
Deliver to Stacey Beyer.



JOHN ELIAS BALDACCI
GOVERNOR

STATE OF MAINE
DEPARTMENT OF CONSERVATION
MAINE LAND USE REGULATION COMMISSION
22 STATE HOUSE STATION
AUGUSTA, MAINE D.E.P. - BANGOR OFFICE
04333-0022

2003 AUG 18 A 11:02

PATRICK K. MCGOWAN
COMMISSIONER

Stacey Beyer
Maine Department of Environmental Protection
106 Hogan Road
Bangor, ME 04401

August 15, 2003

Subject: New Brunswick Power, proposed 345 kV transmission line

Dear Stacey;

I will be unable to attend the upcoming meeting on August 21st due to a scheduling conflict. This letter is to document the level of involvement that New Brunswick Power must have with the Land Use Regulation Commission for its revised application for a proposed 345 kV transmission line to tie with New Brunswick. The proposed utility line would be located primarily along the Stud Mill Road and/or the natural gas pipeline route.

In accordance with the Commission's Statute, 12 M.R.S.A., Section 685-B,1-A(B), "a permit is not required for those aspects of a project approved by the Department of Environmental Protection under Title 38 if the Commission determines that the project is an allowed use within the Subdistrict or Subdistricts for which it is proposed. Notice of the intent to develop and a map indicating the location of the proposed development must be filed with the Commission prior to or concurrently with submission of a development application to the Department of Environmental Protection."

Utility facilities are generally an allowed use within all subdistricts, and we do not anticipate that a redistricting would be needed for New Brunswick Power's project. Nevertheless, the applicant must submit the required information to the Commission for review so that the actual, on-the ground project can be evaluated. If any areas of concern exist, in respect to the subdistricts through which the utility line would pass, they would be highlighted. A written response documenting the Commission's determination would be supplied to the applicant and to the Maine Department of Environmental Protection.



09/19/2003 13:36 FAX

TARGET TECHNOLOGY CENTER

0003

Please pass this letter along to the appropriate person representing New Brunswick Power at the upcoming meeting. If you, or they have any questions, please feel free to call me at the Augusta office at (207) 287-4933.

Sincerely,



Marcia Spencer Famous
Senior Planner
Planning and Administration Division

xc: ULP 306 File
Charlie Corliss
Bill Galbraith
Fred Todd

MEETING MINUTES

DATE: January 14, 9:00 AM

LOCATION: DEP Bangor, Maine

ATTENDEES: Gil Paquette (TRC Solutions)
Steve Sloan (BHE)
Robin McAdam (Emera, by telephone)
Juliet Browne (Verrill & Dana)
Dan Butler (E-Pro)
Ken Libby (DEP)
Stacie Beyer (DEP)

SUBJECT: Northeast Reliability Interconnect

NOTES BY: Gil A. Paquette

Orrington Substation

- It was determined that the modifications to the substation will be included as part of the NRI application
 - Stacie indicated that they were in the prior permitting effort as well
- Stacie commented to be sure to include the description of those changes in the general description of the project
- The SPCC plan for the substation will need to be updated to reflect modifications resulting from this project; need to indicate that in the application and that the changes will be made following implementation of the modifications

Stormwater Issues

- New rules unlikely to take effect before submission of application, so existing rules will govern [Stacie confirmed this on a call to G. Paquette on December 16, 2004]
- Gil confirmed that there will be no new impervious impacts associated with the NRI except at the Orrington substation
 - No new permanent roads to structures or to the line
 - Will use existing roads to gain access during and after construction

- Staging areas will be existing cleared areas that will not require any new impervious surface. Stacie will need the number, location, and size of staging areas identified in the application
- Dan Butler is going to confirm whether the substation is in a lake watershed and if so, then BHE will have to treat for quality as well as quantity
- Dan will follow-up directly with the DEP on this issue
- No other significant stormwater issues were identified for either the substation or ROW
 - Simple narrative for the ROW portion of the project is permissible

Soils Survey

- It was determined that a Class D soils survey is OK for transmission line
- It was determined that a Class C soils survey is OK for the substation

Erosion Control

- Stacie commented that she likes to see the relative timing of the erosion control measures to be reflected in the erosion control plan

Project Description

- Information on ROW (width, length, acreage) to be included in a table format

Right, Title and Interest

- BHE may rely on its power of eminent domain to demonstrate right, title and interest as long as it includes a statement to the effect that if necessary, it will exercise that authority
- Stacie commented to be sure to include the prior PUC decision confirming that BHE would have eminent domain authority once a CPCN is issued
 - Addressing prior challenge based on claim that BHE did not have that authority because the project was located outside its service territory

Financial Capacity

- Provide a total cost estimate for construction
- Use of an annual report is fine to demonstrate financial capacity

Technical Capability

- Stacie commented to make sure to include technical capability of BHE as well as consultants working on the project

Noise

- Need to provide some documentation that noise associated with the lines will not exceed applicable noise standards at the edge of the ROW

- Information/Report on that was included in the prior permitting effort is OK

Visual

- Need to identify the sensitive view areas; will provide Stacie a list of vis/sims to Stacie for her review and input prior to submitting the application
- Stacie commented that the before-and-after visual simulation is very important

Wildlife

- Stacie commented that IF&W had previously expressed concerns over bird strikes associated with the wires. Gil stated that had not been expressed to date for this effort except for the St. Croix and that ball markers on the St. Croix would be addressed in the application.
- Need to include plans for DWA's and eagles in application

Wetlands

- Stacie commented to be sure to state that conversion of forested wetlands to scrub shrub does not result in a loss of functions and values
- Assume a 15 square foot impact for pole placement, although BHE may provide more specific data demonstrating a smaller impact

Vegetation Management

- Need to provide an on-going vegetation management plan in the application

Water Supply

- John Hopeck previously had a question on location of public/private water supply wells

Wastewater Disposal

- John Hopeck also had questions on whether there were any waste disposal systems and wells within the ROW
- Stacie commented on the need to provide portable bathroom facilities for workers during construction as this had been a problem on other projects

Solid Waste

- Stacie commented that an estimate of quantity of solid waste should be provided in the application

Format/Organization

- The alternatives analysis for the ORS segments will be included as a separate section to the alternatives analysis
- The alternatives analysis will be a stand alone Section 26 in the application

Public Informational Meetings

- BHE agreed to hold two public informational meetings, although only one is required by law
 - One meeting to be held in Baileyville
 - One meeting to be held in Brewer

Processing Fee

- Stacie indicated that the DEP will invoke the special fee provision and charge BHE for DEP staff time spent in reviewing the application
 - The current cap on that amount is \$75,000
 - Stacie did not see the need at this juncture for the DEP to hire any outside reviewers
-